



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/544,109

08/02/2005

Hirokatsu Miyata

03500.103094

9440

5514

7590

07/02/2008

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

DESAI, ANISH P

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Continuation of Box 11:**

1. The Examiner thanks Applicant for elaborating in his/her response as to how Applicant arrives at the Schematic Drawing A from Besson reference. This was in response to the Examiner's query made in the Final Office Action, and to show that the Besson's film locally has a six-fold symmetrical structure but the arrangement direction is not regulated across the entire film. However, it is respectfully submitted that Applicant's elaboration and arguments related to this elaboration would be found more persuasive if it is submitted in the form of a suitable affidavit or declaration. This is to avoid any issues related to opinion evidence of attorney/agent in accordance with MPEP 716.01 (c) II. Specifically, for example Applicant has now provided enlarged view of Figure 1a of Besson (please see page 5 of 06/19/08 response), and provided arguments based on this enlarged Figure 1a to show the structural difference between the films of Applicant's invention and that of Besson. It is respectfully submitted that is not clear as to how Applicant arrives at this enlarged view of Figure 1a. Thus, Applicant's arguments submitted in the After-Final would be more persuasive, if submitted in a form of a suitable affidavit or declaration.

**Continuation of Box 13:**

2. Applicant has asked the Examiner to clarify the status of the claims. The status of the claims is following: Claims 1-5, 14, 15, 17, and 18 are rejected. Claims 6-13 and 16 are withdrawn.

/A. D./

Examiner, Art Unit 1794

Application/Control Number: 10/544,109  
Art Unit: 1794

Page 3

/Hai Vo/

Primary Examiner, Art Unit 1794